

# MATERIALS ON ALTERNATIVE APPROACHES TO LEGAL SCHOLARSHIP

1988-89

VOLUME II

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# ALTERNATIVE APPROACHES TO LEGAL SCHOLARSHIP

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- I. Kant, <u>Fundamental Principles of the Metaphysic of Morals</u> (selected excerpts)
- J. Rawls, A Theory of Justice (1971) (selected excerpts)
- R. Nozick, Anarchy, State and Utopia (1973) (selected excerpts)

Aristotle, Nichomachean Ethics, Book 1

M. Sandel, "The Political Theory of the Procedural Republic", in Hutchinson and Monaghan (eds), The Rule of Law: Ideal or Ideology? (1987)

### WEEK 3 PHILOSOPHY OF LAW

E. Weinrib, "Legal Formalism", Yale L.J. (1988) [to be handed out]

#### WEEK 4 LAW AND ECONOMICS I

- R. Posner, Economic Analysis of Law (1986), Ch.1 and 2
- G. Calabresi, The New Economic Analysis of Law: Scholarship, Sophistry or Self-Indulgence? (1981)

## WEEK 5 LAW AND ECONOMICS II

M.J. Trebilcock, "The Social Insurance-Deterrence Dilemma of Modern North American Tort Law: A Canadian Perspective on the Liability Insurance Crisis", (1987) 24 San Diego L. Rev. 929

#### WEEK 6 LAW AND SOCIETY I

- J. Hagan, "Gender and the Structural Transformation of the Legal Profession in the United States and Canada" (Draft)
- J. Hagan, "The New Legal Scholarship: Problems and Prospects" 1 Can. J. of Law and Society 35 (1986)

D. Black, "The Boundaries of Legal Sociology" from Reasons and Rid (eds.) The Sociology of Law - A Conflict Perspective (1978)

#### WEEK 7 LAW AND SOCIETY II

R. Kidder, Connecting Law and Society (excerpt)

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Pilizvin, Irving, Gartner, Thornton and Matsuda, "Crime, Deterrence, and Rational Choice", (1986) 51 American Sociological Rev. 101

#### WEEK 8 LEGAL HISTORY

- R. Gordon, "Critical Legal Histories", (1984) 36 Stanford L. Rev. 57
- R. Risk, "John Willis A Tribute", (1985) 9 Dalhousie L.J. 521

# WEEK 9 FEMINIST ANALYSIS OF LAW

- A. Scales, "The Emergence of Feminist Jurisprudence: An Essay", (1986) 95 Yale L.J. 1373
- J. Tronto, "Beyond Gender Differences to a Theory of Care", (1987) 12 Signs: Journal of Women in Culture and Society 644
- C. Gilligan, <u>In a Different Voice</u> (1982): excerpts

#### WEEK 10 CRITICAL LEGAL STUDIES

Note, "'Round and 'Round the Bramble Bush: From Legal Realism to Critical Legal Scholarship", (1982) 95 Harv. L. Rev. 1669

Harrison v. Carswell, 62 D.L.R. (3d) 68

Frug, "The Ideology of Bureaucracy in American Law", (1984) 97 Harv. L. Rev. 1276

Bliss v. A.G. Canada, [1979] 1 S.C.R. 183

## WEEK 11 POSTSTRUCTURALISM: THE POLITICS OF LEGAL RATIONALITY

- J. Boyle, "The Politics of Reason: Critical Legal Theory and Local Social Thought", (1985) 133 University of Pennsylvania Law Review 685
- G. Peller, "The Metaphysics of American Law", (1985) 73 <u>California Law</u> Review 1151

## WEEK 12 INTERPRETATION, SKEPTICISM AND THE LAW

- R. Dworkin, "Law as Interpretation", (1982) 60 Texas L. Rev. 527
- C. Yablon, "Law and Metaphysics", (1987) 96 Yale L.J. 613

# WEEK 13 ARTHURS REPORT AND CRITIQUES

Law and Learning: Report of the Consultative Group on Research and Education in Law (1983) (the Arthurs Report) (excerpts)

- J.H. Schlegel, "Langdell's Legacy, or The Case of the Empty Envelope", (1984) 36 Stanford L.R. 1517
- D. Soberman, Review of Arthurs Report, (1984) 10 Queen's L.J. 236
- D.A. Farber, "The Case Against Brilliance", (1986) Minn. L.R. 917
- P. Schlag, "The Brilliant, the Curious, and the Wrong" (1987) 39 <u>Stanford</u> <u>Law Review</u> 917